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4 UNITED STATES DISTRICT COURT  
5 DISTRICT OF NEVADA

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7 ROY D. MORAGA,

8 Plaintiff(s),

Case No. 2:16-CV-287 JCM (VCF)

ORDER

9 v.

10 STEVE WOLFSON, et al.,

11 Defendant(s).  
12

13 Presently before the court is Magistrate Judge Ferenbach's report and recommendation.  
14 (ECF No. 12). No objections have been filed and the deadline for filing objections has passed.

15 This court "may accept, reject, or modify, in whole or in part, the findings or  
16 recommendations made by the magistrate." 28 U.S.C. § 636(b)(1). Where a party timely objects  
17 to a magistrate judge's report and recommendation, then the court is required to "make a de novo  
18 determination of those portions of the [report and recommendation] to which objection is made."  
19 28 U.S.C. § 636(b)(1).

20 Where a party fails to object, however, the court is not required to conduct "any review at  
21 all . . . of any issue that is not the subject of an objection." *Thomas v. Arn*, 474 U.S. 140, 149  
22 (1985). Indeed, the Ninth Circuit has recognized that a district court is not required to review a  
23 magistrate judge's report and recommendation where no objections have been filed. *See United*  
24 *States v. Reyna-Tapia*, 328 F.3d 1114 (9th Cir. 2003) (disregarding the standard of review  
25 employed by the district court when reviewing a report and recommendation to which no  
26 objections were made).

27 Plaintiff has not objected to the report and recommendation. Nevertheless, the court  
28 engages in a *de novo* review to determine whether to adopt the magistrate judge's findings.

1 The magistrate judge recommends that the court dismiss plaintiff's complaint with  
2 prejudice because plaintiff has failed to state a claim for relief. (ECF No. 12). The record before  
3 the court shows good cause to adopt the magistrate judge's recommendation.

4 On February 19, 2016, the magistrate judge granted plaintiff's application to proceed *in*  
5 *forma pauperis* and screened the complaint pursuant to 28 U.S.C. § 1915(3). (ECF No. 3). On  
6 January 18, 2017, the court dismissed the complaint with leave amend because plaintiff did not  
7 plausibly allege details in support of his civil rights claim. (ECF No. 9).

8 On February 1, 2017, plaintiff filed an amended complaint alleging that the physical  
9 evidence relating to his criminal conviction was wrongfully withheld from him. (ECF No. 10).  
10 Plaintiff specifically alleges that he was unable to retrieve potentially exculpatory physical  
11 evidence pursuant to NRS 179A.100(5)(a) because the government failed to store the evidence in  
12 the Nevada Highway Patrol Division's repository. *Id.*

13 Plaintiff has once again failed to allege a plausible civil rights claim because NRS 179A  
14 does not provide for the storage of physical data. *See* NRS 179A.075(8)(a) (creating a central  
15 repository to store records, reports, and compilations of statistical data). Thus, upon reviewing the  
16 underlying record, the court finds good cause to adopt the magistrate judge's recommendation.

17 Accordingly,

18 IT IS HEREBY ORDERED, ADJUDGED, and DECREED that Magistrate Judge  
19 Ferenbach's report and recommendation (ECF No. 12) be, and the same hereby is, ADOPTED in  
20 its entirety.

21 IT IS FURTHER ORDERED that the matter of *Moraga v. Wolfson et al.*, case number  
22 2:16-cv-00287-JCM-VCF, be, and the same hereby is, DISMISSED with prejudice.

23 The clerk shall close the case accordingly.

24 DATED March 4, 2019.

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UNITED STATES DISTRICT JUDGE